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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,842

06/24/2003

Joseph Douglas Sonicola

9326

7590

09/22/2004

Joseph Douglas Sonicola
1123 Saga
Glendora, CA 91741

EXAMINER

HUNNINGS, TRAVIS R


ART UNIT

PAPER NUMBER

2632

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/602,842	Applicant(s) SONICOLA, JOSEPH DOUGLAS	
	Examiner Travis R Hunnings	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the side reflector lights, and the right and left mirror lighting systems; the flashers, strobe lights, and switches; the audible signal causing vibrations sensed by the human ear; all must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Content of Specification

2. The content of the specification is objected to. The following guidelines should be followed when composing the specification:

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject

matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-12 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

5. Claims 2, 4, 5, 6, 7, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "The "U" turn warning devices" in line 1. There is insufficient antecedent basis for this limitation in the claim. The term "The "U" turn warning devices" does not appear in a claim that claim 2 is dependent on.

Claim 4 recites the limitation "The system" in line 1. There is insufficient antecedent basis for this limitation in the claim. The term "The system" does not appear in a claim that claim 4 is dependent on.

Claim 5 recites the limitation "the illumination process" in line 1. There is insufficient antecedent basis for this limitation in the claim. The term "the illumination process" does not appear in a claim that claim 5 is dependent on.

Claim 6 recites the limitation "the "U" turn device" in line 1. There is insufficient antecedent basis for this limitation in the claim. The term "the "U" turn device" does not appear in a claim that claim 5 is dependent on.

Claim 7 recites the limitation "the upper and lower lens" in line 1. There is insufficient antecedent basis for this limitation in the claim. The term "the upper and lower lens" does not appear in a claim that claim 7 is dependent on.

Claim 9 recites the limitation "the "U" turn device" in line 1. There is insufficient antecedent basis for this limitation in the claim. The term "the "U" turn device" does not appear in a claim that claim 9 is dependent on.

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Claim 10 recites the limitation "the "U" turn illumination procedure" in line 1.

There is insufficient antecedent basis for this limitation in the claim. The term "the "U" turn illumination procedure" does not appear in a claim that claim 10 is dependent on.

6. Claims 9, 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim 9 states that the "U" turn device can be adapted to any technology and installed in any vehicle is far too broad and fails to distinctly point out what is included or excluded in the claim.

Claim 11 states that the "U" turn system shouldn't be limited to the particular form that is presented in the claims. This statement fails to distinctly point out what is included or excluded in the claim.

Claim 12 states that the inventor is patenting the process that shows when a "U" turn is about to take place. This statement fails to distinctly point out what is included or excluded in the claim. Even though the claim states that it is "the process that shows when a "U" turn is about to take place", the applicant must distinctly describe the steps that are involved in the process.

7. Claim 12 provides for the use of a "U" turn device, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process

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applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 4, 6, 9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Boxer (U.S. 5,731,755).

Regarding claim 1, Boxer discloses Vehicular U-Turn Indicator which has the following claimed subject matters:

A signal used on a vehicle communicating that a “U” turn is about to take place, or it is in progress is met by vehicle (10) having the U-turn indicators (12, 14 and 16) that indicate to on-coming traffic, the traffic in the crossing lanes, as well as any

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pedestrians or passerby of the intent of the operator of the vehicle. See Figs. 1 and 2 and col3, lines 13-33.

Regarding claim 2, the “U” turn warning devices being placed on any outside illumination instrument that flashes or strobes is met by the U-turn indicators (12, 14 and 16) being a series of illuminating members and being associated with exterior lights. See Figs. 1 and 2 and col3, lines 13-33.

Regarding claim 4, the system containing but not limited to bulbs, sockets, wiring, flashers, strobe lights, and switches is met by the U-turn indicators (12, 14 and 16) being a series of illuminating members and the control module (18) receiving actuation from a switch (20). See Fig. 2 and col3, lines 13-36.

Regarding claim 6, the “U” turn device being built with or without the upper and lower lens available on most vehicles is met by U-turn indicators being arranged in a plurality of ways. See Figs. 3A-3C, 4A-4C and 5A-B and col4, lines 9-43.

Regarding claim 9, this claim is interpreted and rejected as claim 1 stated above.

Regarding claim 11, this claim is interpreted and rejected as claim 1 stated above.

Regarding claim 12, this claim is interpreted and rejected as claim 1 stated above.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boxer in view of Kurth (U.S. 6,142,656).

Regarding claim 3, Boxer discloses all the claimed limitations except including the right and left mirror lighting systems. Kurth discloses Multi-Functional Side Rear View Mirror for a Vehicle that teaches a side view mirror with multiple functions to help the driver, including turn signal indication on the side view mirrors (Fig. 2 and col2 53-67). The U-turn indication system disclosed by Boxer attempts to alert other drivers and pedestrians to the driver's intent of making a u-turn. The system taught by Kurth provides extra indication to both the driver and other motorists of turns that the driver intends to make by placing a turn signal indicator on the side mirror. The U-turn system would benefit by also having a u-turn indication on the side view mirrors because it would provide extra indication of the driver's intent to other drivers and pedestrians. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Boxer according to the teachings of Kurth to include a u-turn indication on the side view mirrors.

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12. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boxer.

Regarding claim 5, Boxer teaches using “illuminating members, such as lights, LEDs, or the like” to make up the u-turn indicators. The use of stroboscopes, incandescent lights, lamps, light pipes, and fiber optics is well known in the art and therefore would have been obvious to use any one of those types of illuminating members in the device disclosed by Boxer.

Regarding claim 10, the claim is interpreted and rejected as claim 5 stated above.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boxer in view of Millsap (U.S. 5,680,100).

Regarding claim 7, Boxer discloses all the claimed limitations except the upper and lower lens serving as a protective agent, cover for a light, or a multicolored prism for visual enhancement. It is well known in the art that the upper and lower lens for vehicle lights can be used as a protective agent or a cover for a light. Millsap teaches a U-Turn Signal that uses different colored lens components for the U-turn indicator to alter the color produced by the signal (col3 27-29). The different colors would be used to distinguish the u-turn signal from other turn signals the car may use. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Boxer according to the teachings of Millsap to use different colored lenses to alter the light produced by the u-turn signal.

14. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boxer in view of McAuley et al. (McAuley; U.S. 6,154,125).

Regarding claim 8, Boxer discloses all the claimed limitations except the audible signal causing vibrations sensed by the human ear that makes a determinable noise, signaling that a "U" turn is about to take place or is taking place. McAuley teaches Audible Pedestrian Turn Signal Alert System that uses an audible signal to alert pedestrians that a turn is about to be made by the vehicle. The U-turn system would benefit by adding a audible signal because it would accomplish the intended goal of alerting the nearby pedestrians of a u-turn that is about to take place. The audible signal would also be a benefit to those pedestrians that did not or could not see the visual signal that is already given. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Boxer according to the teachings of McAuley to include an audible signal for when the vehicle is making a u-turn.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haddad et al. discloses Auxiliary Signal to Indicate a U-turn, U.S. 6,195,001.

Tan discloses Vehicle Signaling Apparatus, U.S. 6,043,740.

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Strawn discloses U-Turn Signal Apparatus, U.S. 5,663,708.

Le discloses Vehicle U-Turn Signal... U.S. 5,281,950.

Sullivan et al. discloses U-Turn Signal Device, U.S. 5,086,289.

Schaffer discloses U-Turn Signal, U.S. 4,994,786.

Roman discloses U-Turn Signal Attachment, U.S. 5,003,289.

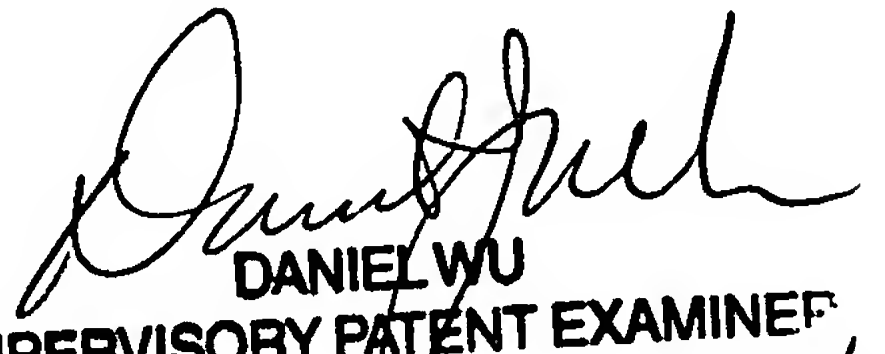
Reed discloses U-Turn Vehicle Light, U.S. 4,387,361.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DANIEL WU
SUPERVISORY PATENT EXAMINER
9/18/04